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To: Burger, David
Subject: RE: Reuters, AFP 5/4/06 stories on Bellinger's (L) Geneva remarks on alleged renditions, detentions; Eurosource article on Fava press conference in Brussels

RELEASED IN FULL

From: Orlansky, Michael D
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To: Skopje Front Office; Hubler, Stephen A; Pfeuffer, Paul(Main State)
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Subject: Reuters, AFP 5/4/06 stories on Bellinger's (L) Geneva remarks on alleged renditions, detentions; Eurosource article on Fava press conference in Brussels

The first two and most recent articles (Reuters and AFP) cover statements today by Department Legal Adviser John B. Bellinger on allegations of renditions and detentions in Europe. Mr. Bellinger is in Geneva for a meeting of the UN Committee Against Torture.

Following those articles is a story from a little earlier today summarizing remarks about Macedonia at a press conference in Brussels by Europarliment Rapporteur Giovanni Claudio Fava (Italy), and also reporting diverging views of EP members, including a statement from MEP Miroslaw Piotrowski (Poland) suggesting that the el-Masri inquiry be stopped. A transcript of Mr. Fava's press conference is not available at this time.

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CIA row hits US-Europe intelligence work: US lawyer

Reuters May 4, 2006

By David Brunnstrom

Allegations that CIA flights through Europe carried people bound for ill-treatment are damaging transatlantic intelligence cooperation, a lawyer acting for the State Department said on Thursday.

Speaking before heading the defense of U.S. practices at the U.N. Committee against Torture in Geneva, John Bellinger reiterated Washington's position that it does not outsource torture or transfer people it suspects of being involved in terrorism to places where it can expect them to be tortured.

Bellinger was responding to a European Parliament probe which, while producing no firm evidence, concluded last month that more than 1,000 CIA flights had transited the EU and that the CIA had been responsible on several occasions for kidnapping and illegally detaining people on EU soil.

"The suggestion that intelligence flights are somehow engaged in illegal activity really undermines the cooperation between the United States and Europe," he told a news briefing.

EU lawmakers are due in Washington next week to probe allegations of secret detention centers and flights in Europe for terrorism suspects. Bellinger is among those they will meet.

He said he did not know how many flights there had been, but the suggestion or implication that a large number had detainees aboard was "absurd."

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"Someone needs to challenge that," he said. "It's not possible for the United States to prove a negative, but responsible European governments or responsible European officials simply need to say this has gotten out of hand."

"There is no evidence for the suggestion or implication that however many flights there have been that they have all got detainees on them or that an intelligence flight is engaged in some sort of improper activity."

He said there had been "very few" cases of renditions, or the transfer of terrorism suspects from one country to another, but declined to provide details.

"NOT TOURIST FLIGHTS"

Claudio Fava, author of the EU parliamentary report, told a news conference the suggestion was not that all flights carried detainees, but "some" had been used for detainees and often had routes linking Guantanamo, Kabul and Baghdad.

"These were not tourist flights," he said.

Bellinger said so many allegations about intelligence flights were incorrect Washington had decided not to respond to specific charges, nor to give details of the purpose of every flight, given operational security requirements.

"Intelligence activities by their very nature are simply carried out in secret because you don't want to tell the al Qaeda people that you may have captured their material or you are engaged in cooperation," he said.

A Washington Post report last year which said that the CIA had run secret prisons in Europe and flown suspects to states where they would have been tortured unleashed a spate of investigations, but none have so far produced solid proof.

The United Nations' torture investigator Manfred Nowak told the EU parliamentary committee probing the allegations there was evidence of secret detention centers outside the United States, but there was no definite proof they had existed in Europe.

"Whatever stronger action could be taken from the European Union, be it in relation to Guantanamo, or secret places in detention -- here, or whatever -- would be, in my opinion, most welcome," he said.

Bellinger said there was "understandable uncomfortableness" about the holding of al Qaeda suspects at Guantanamo Bay in Cuba, but there were not many suggestions as to an alternative.

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US hits back over CIA prisoner flight probes in Europe

Agence France Presse

54 minutes ago (May 4, 2006)

The United States hit back at allegations that the CIA has flown thousands of suspects through Europe to third countries where they might face torture.

Two investigations are in full swing in Europe into secret flights carrying "detainees" in the US "war on terror". But the legal advisor to US Secretary of State Condoleezza Rice dismissed the claims as absurd.

"These allegations that there have been thousands of flights with the implication that they all have got detainees

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on them and worse, detainees bound for mistreatment, is simply absurd," advisor John Bellinger said.

"Many of these flights that have occurred may be carrying analysts, officials engaged in counter-terrorism cooperation ... forensic evidence," he told reporters in Brussels.

Bellinger urged European officials to speak out.

"The suggestion that the flights themselves are somehow engaged in illegal activity really undermines the cooperation between the US and Europe," he said. "Responsible European government officials simply need to say this has gotten out of hand."

Last week an Italian member of the European Parliament, Claudio Fava, said the US Central Intelligence Agency (CIA) had carried out more than 1,000 secret flights in Europe since 2001 without any EU governments raising questions.

The United States has come under intense fire over the last year following press reports about the flights across European airspace since the September 11, 2001, attacks.

The prisoners were reported mainly to have been transitted through Europe to third countries in a process known as "extraordinary rendition", and Bellinger acknowledged that some of these flights had taken place.

"There have not been thousands of flights. There have been, as we have said, very few cases of rendition."

On Wednesday, US Attorney General Alberto Gonzales said the United States has the right to send prisoners to other countries but also the legal obligation to ensure they are not sent to places where they would be tortured.

"We all know renditions, in and of itself, is nothing extraordinary," he said.

"Renditions is an activity that is practiced by the United States and other countries. It is a practice that certainly has been exercised or used by this administration and previous US administrations," Gonzales said.

"We understand that our legal obligation with respect to all renditions is that we will not transfer someone to another country where it is more likely than not that they will be tortured ... The United States strives to meet that obligation in every case."

The Council of Europe, largely a human rights watchdog, has been investigating the allegations, as has a European Parliament special committee.

In testimony to the parliamentary committee in Brussels on Thursday, the United Nations' special rapporteur on torture, Mandfred Nowak, insisted that rendition contravened international law.

"Extraordinary renditions are definitely illegal. There is no question about it," he said. "It means abducting a person."

"I think there is enough evidence that this is a practice that has been used and is still being used."

"I would like that the EU takes a stronger common position in relation to these issues and says that whatever happened should be fully investigated with the active cooperation of the United States," he said.

On Tuesday, EU foreign policy envoy Javier Solana told the same inquiry that he had no certain information about the flights nor the power to demand that EU countries provide details about them.

"I have no information -- no information whatsoever -- that tells me with certainty that any of the accusations, allegations, rumours, et cetera that have taken place in the last year's time are true," he said.

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EU questions remain on Macedonia CIA 'abduction'

EUROSOURCE (eupolitix.com)

Thu, 4 May 2006 12:53:33 GMT+02

by Daisy Ayliffe

Macedonian officials withheld crucial information from the European parliament's investigation into illegal CIA activities.

Following a visit to Macedonia last week, MEPs said officials did not provide answers to all of their questions.

"We did not get many answers," parliamentary rapporteur Claudio Fava explained on Thursday.

"Doubts still remain. We were told Mr el-Masri left by land but we were not allowed to look at the documents showing he left by land."

The Fava led team was in Macedonia probing the alleged CIA abduction of the Kuwaiti-born German, Khaled el-Masri.

Human rights groups cite the case of el-Masri as an example of US "extraordinary rendition" - or secret transfers of terrorist suspects to third countries where they face abuse or torture.

When questioned by the parliamentary committee in March, el-Masri said he was arrested by US agents at the Macedonian border in December 2003.

But Macedonia, pursuing EU accession talks and a US military ally in Iraq, denies any wrongdoing.

It has acknowledged holding el-Masri at the border, but says he was released a few hours later.

"There are no indications that foreign intelligence officers, were involved in this case", said Macedonian interior minister Ljubomir Mihajlovski after a meeting with the European parliament's delegation.

While the committee of MEPs said it was too early to draw definitive conclusions on Macedonia, they said contradictory evidence had left doubts.

"There were contradictions," German MEP Sylvia Kaufman said. "Crucial evidence is not being provided, is this just a coincidence? We as a committee have to follow up on this."

"Our visit to the hotel where el-Masri was staying was forewarned. We met two young men who had only been there two weeks so they could not answer our questions. The hotel owner was not there and could not be reached even though he knew we were coming."

But other committee members were less convinced of the Macedonian leads.

"I suggest we stop this inquiry....we have nothing to take forward on el-Masri," Polish MEP Miroslaw Piotrowski interjected.

According to Claudio Fava more than 1,000 CIA flights had transited the EU since 2001.

The European parliament committee has no legal or judicial power but can recommend sanctions against states.

Next week MEPs are due to travel to Washington to continue investigation.

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